

## **PLANNING COMMISSION MINUTES**

**February 21, 2012**

**7:00 p.m.**

Present: Chairman Tom Smith, Vice-Chairman Dave Badham, Sean Monson, Michael Allen, Von Hill, David Patton, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Chairman Tom Smith welcomed all those present.

Beth Holbrook made a motion to approve the minutes for February 7, 2012 as written. Sean Monson seconded the motion and voting was unanimous in favor.

### **1 & 2. Consider preliminary Site Plan for Aliwood Condominiums PH 1&2 and Consider Condominium to PUD conversion for Aliwood Condominiums PH 1&2 1692 N. 200 W.**

Von Hill recused himself from this item (Hill and Argyle are the Engineers and Surveying firm on this project). Mr. Hill and Mr. Gibson, applicant, sat at the table for any comments or concerns.

Aric Jensen explained that Robert Gibson is requesting preliminary site plan approval for PH 2 of the existing Aliwood Condominium development. The Aliwood Condominiums are located on the northeast corner of 200 West and Pages Lane, they were approved and built in 2001, and consist of 18 townhome-style residential units.

Mr. Gibson has contracted to purchase the existing single family dwelling located at 1692 North 200 West, which is immediately north of Aliwood PH 1. He proposes to develop three new residential units on the east half of the property, and to keep the existing single family dwelling as-is. The new units would become part of the existing Aliwood HOA.

All of the properties involved are located in the RM-13 Multi-family Residential Zone, which allows a maximum of 13 units per acre on parcels at least one acre in size. The existing single family home property is less than 1 acre in size, and so Mr. Gibson has petitioned the Aliwood Condominium HOA to include this development as a second phase instead of a standalone project. Staff endorses this action as it will increase the size and viability of the Aliwood HOA, it will prevent the creation of a new 3 unit HOA, and the new units can use the existing drive accesses onto Pages Lane and 200 West instead of constructing new ones.

The boundaries of the existing single-family home must be modified as set forth in the R-4 zone, which is the standard for existing single family lots within an RM zone. This lot meets the minimum lot size and minimum rear yard setback. The current owners of the property have made some illegal additions to the existing residence, most obviously a metal carport that

extends almost to the sidewalk. The carport and any other unauthorized additions will be removed.

Paul Rowland explained that on the original plans there was landscaping in front of each unit and in the rear. When the units were completed the landscaping was reduced and replaced with concrete. By eliminating the landscaping it left the percentage of landscaping 4% short. All utilities and water drainage, on the existing and proposed property, exists.

Mr. Jensen explained that the applicants will be required to bring the landscaping into compliance. This Condo to PUD Plat conversion is similar to the many others the Commission has reviewed in the past few years. Staff has already reviewed the plat and sent the redlines back to the surveyor for correction.

The following is a partial list of items that are missing and that will need to be provided prior to final approval:

1. A land-use table for the entire project, showing the total amount of landscaping and hard surfacing, the total project acreage, the total project density, the total parking spaces provided, and the total parking required.
2. A preliminary landscape plan indicating the number of trees and shrubs required.
3. Colored elevations of the new units with the exterior materials and colors called out by manufacturer spec.
4. A new legal description of the single family residential lot.
5. Redline corrections on all plans, including additional demolitions on the single family residential property.

This is not a conclusive list as other items may be discovered as a result of the Planning Commission review and further staff review, but these are the most obvious.

Staff recommends preliminary site plan approval for PH 2 of Aliwood Condominiums, and preliminary plat approval for the conversion of Aliwood Condominiums to Stonecreek Village PUD, with the condition that applicant's submittal for final approval addresses all of the shortcomings mentioned in the staff report plus any others that may arise.

After a discussion Dave Badham made a motion to table preliminary plat and site plan approval of Aliwood Condominiums PH2 pending on more information on architecture color boards and landscaping issues. The motion died for lack of a second motion.

Michael Allen made a motion to send to the City Council preliminary site plan approval subject to conditions outlined by Staff and the addition of the following:

6. Landscaping issues be addressed to the satisfaction of Staff.

Beth Holbrook seconded the motion and voting passed by majority vote with Tom Smith, Sean Monson, David Patton, Michael Allen and Beth Holbrook voting "aye." Dave Badham voting "nay."

Von Hill resumed his position on the Commission.

### **3. PUBLIC HEARING – Discuss revisions to Title 14, Bountiful City Land Ordinance.**

Aric Jensen explained page by page the proposed changes to Chapter 6 (C) Commercial, Chapter 7(DN) Downtown and Chapter 10 (MXD) Mixed-Use Zones. With each chapter there was a discussion and suggestions from the Commission and Staff for Mr. Jensen to consider.

Mr. Jensen explained the following proposal to allow raising chickens in all Single-Family Residential zones. The proposal was based on ordinances adopted by Woods Cross, West Jordan, Provo and Salt Lake City.

#### **[PROPOSED ORDINANCE]**

##### **OWNERSHIP AND MAINTENANCE OF CHICKEN:**

- A. The keeping and maintenance of chickens is permitted within the city only as provided in this Title.
- B. Any chicken kept as provided by this Title shall not be deemed a household pet.
- C. A City permit is required for the keeping of any chicken allowed by this Title.
  - 1. A permit shall be renewed annually and the original applicant shall be signed by the property owner.
  - 2. The permit fee shall be set forth in the Fee Schedule adopted by the City.
  - 3. Application for, and acceptance of a permit is evidence that a person agrees to abide by all the conditions and regulations of this Title.
  - 4. A permit may be revoked for any violation of this Title.
- D. It shall be unlawful for any person to keep any chicken in a manner contrary to the provisions of this Title. Any such isolation shall be a Class B Misdemeanor.
- E. A chicken shall be kept strictly for family gain from the production and consumption of eggs, and there shall be no sale or income resulting from the keeping of a chicken.
- F. Up to four (4) hens and/or chicks may be kept on a residential lot in accordance with the following:
  - 1. A chicken shall only be kept on a property containing a single-family detached dwelling unit.
  - 2. A chicken shall be kept in a coop or a completely enclosed area at all times.
  - 3. No chicken shall be permitted to roam outside a coop or enclosed area.
  - 4. A coop shall be covered, ventilated, and rodent-and predator-resistant.
  - 5. A coop shall not be constructed of scrap or dilapidated materials.
  - 6. The exterior of any coop shall be painted or treated with a similar product on an annual basis.
  - 7. There shall be no rooster or crowing hen.
  - 8. Any enclosure or coop shall be located in the rear yard of the main dwelling.
  - 9. Any enclosure or coop shall be located at least twenty (20) feet from any primary residential dwelling on an adjoining property, and at least ten (10) feet from any property line.

10. Any time heating device is employed in a coop, the coop shall be separated at least ten (10) feet from any dwelling structure.
  11. Dead birds and unused eggs shall be removed within twenty four (24) hours of less and shall be properly discarded.
  12. Any coop and any roaming area shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent a detectable odor at the property line.
  13. Chicken feed shall be stored and dispensed in a rodent-proof and predator-proof container.
  14. No growth or vegetation other than sod grass is permitted within five (5) feet of any coop.
  15. The area within five (5) feet of the perimeter of any coop shall be completely clear of any obstacle or object, except that the rear of a coop may be attached to another structure.
  16. A chicken may not be kept, and a coop may not be constructed, on any property that is in violation of a City Ordinance or where the owner or resident is being prosecuted for a violation.
  17. Any chicken and coop shall be removed from the property within thirty (30) days if the permit is not renewed.
- G. Any chicken that is outside of an approved coop or enclosed area may be confiscated by any agent of the City.

**[END OF PROPOSED ORDINANCE]**

After Mr. Jensen's presentation the public hearing was re-opened and the following are the names and addresses of those present with comments and concerns:

- Michael Paey residing at 699 W. 3300 S.
- Josh & Steffanie Holdstock residing at 3286 S. 200 W.
- Harvey Johnson residing at 446 W. 3600 S.
- Wendall Hall residing at 698 W. Park Circle.

There comments and concerns are as follows:

- Having a permit is unnecessary.
- Coops in a back yard should be allowed along property line.
- Chickens and chicks need to be rotated for maximum production. More chickens & chicks should be allowed to accommodate the rotation.
- Coop should be allowed to remain after chickens are no longer in use. Coop could be used for storage when not being used for chickens.
- Wanted to know if other types of fowl besides chickens could be considered.
- Chickens should be allowed to roam on the property.
- Any fees should be minimal.

Harvey Johnson thanked the Commission for their time and efforts in looking at a revision of the ordinance to allow having chickens.

There was a discussion among the Commission and the public regarding the above issues. Mr. Mahan suggested some changes to the wording of the proposal. Mr. Jensen will draft a copy for final review at a later date.

The public hearing was suspended and will continue on March 6, 2012.

**3. Planning Director's report and miscellaneous business.**

Mr. Jensen circulated a proposed calendar and explained that the Commission is required to approve the scheduled dates for Planning Commission for 2012.

Beth Holbrook made a motion to approve the dates scheduled for 2012 as written. Dave Badham seconded the motion and voting was unanimous in favor.

Mr. Jensen had no further business to discuss.

Meeting adjourned at 9:05 p.m.